

REMARKS

In this Amendment, Applicant has cancelled Claims 1 – 22, without prejudice or disclaimer, and added new claims 23 – 40. Claims 23 – 38 have been added to overcome the rejection and further specify the embodiments of the present invention. Claims 39 and 40 have been added corresponding to the previously filed Claims 23 and 24, which were not entered and acted on. A petition to the Director has been filed for relief including entry of the previously filed Claims 23 – 24, issuance of a new complete office action and refund of three-month extension fee. It is respectfully submitted that no new matter has been introduced by the added claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Ozora (JP 57-125746), hereinafter Ozora; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Kamiza et al. (JP 7-226220), hereinafter Kamiza; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Uchida et al. (JP 7-312223), hereinafter Uchida; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Matsuzaki et al. (JP 7-231987), hereinafter Matsuzaki; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated by Mizobi et al. (EP 0671575, equivalent to US 5,686,032), hereinafter Mizobi.

Applicant traverses the rejection and respectfully submits that the present-claimed invention is not anticipated by the cited reference. More specifically, Claims 1 – 22 have been cancelled without prejudice or disclaimer. The newly added Claims 23 – 38 specifies different embodiments of the present invention. As indicated by Examiner, Ozora discloses and teaches a resin being cured on a surface part. Kamiza discloses and teaches a gasket or seal agent on a surface. Uchida discloses and teaches a gasket on a surface. Matsuzaki discloses and teaches a gasket on a surface. Mizobi discloses and teaches a gasket on a surface and method for obtaining the gasket. However, Ozora, Kamiza, Uchida, Matsuzaki or Mizobi fails to disclose or teach the embodiments of the present invention as defined in Claims 23 – 40. For example, none of Ozora, Kamiza, Uchida, Matsuzaki and Mizobi discloses that a gasket comprises a first gasket lid and a second gasket lip, each secured in a groove and having a base portion and a sealing portion in various cross-sectional shapes. Ozora, Kamiza, Uchida, Matsuzaki or Mizobi also fails to disclose a gasket having gasket lips secured in grooves that are connected through a connection in a substrate. Furthermore, Ozora, Kamiza, Uchida, Matsuzaki or Mizobi does not disclose the methods for forming a gasket for a fuel battery with the above mentioned structures. In addition, Ozora, Kamiza, Uchida, Matsuzaki or Mizobi fails to disclose a gasket for a fuel battery with liquid rubber hardened material integrally formed in a surface of a carbon or a graphite plate or a groove applied to said surface. Therefore, Ozora, Kamiza, Uchida, Matsuzaki or Mizobi does not anticipate the present invention as claimed.

In summary, the newly presented claims are not anticipated by Ozora, Kamiza, Uchida, Matsuzaki and Mizobi and the rejections under 35 U.S.C. § 102 (b) have been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 102 (b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Krasij

et al (US 6,660,422), hereinafter Krasij, Ozora and Mizobi; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Krasij, Kamiza and Mizobi; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Krasij, Uchida and Mizobi; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Krasij, Matsuzaki and Mizobi; Claims 1 – 22 with broadest independent claim 1 as the main invention have been rejected under 35 U.S.C. § 103, as allegedly being obvious and unpatentable over Krasij and Mizobi.

Applicant traverses the rejection. It is respectfully submitted that in view of the presently claimed invention, the rejection has been overcome. More specifically, Claims 1 – 22 have been cancelled without prejudice or disclaimer. The newly added Claims 23 – 38 specifies different embodiments of the present invention. The major differences between Ozora, Kamiza, Uchida, Matsuzaki, Mizobi and the embodiments of the present invention as claimed are explained as above. In addition, contrary to Examiner's assertion, it is respectfully submitted that Mizobi does not "disclose, teach or suggest an electricalchemical power having a proton exchanges membrane and gasket and sealants." Furthermore, Examiner fails to designate as nearly as possible the particular part of Krasij and no pertinence of Krasij is clearly explained according to 37 CFR 1.104 (c)(2). Moreover, Examiner fails to provide the explanation regarding the motivation to combine the above references to render the presently claimed invention obvious. Therefore, there is no motivation or suggestion in the prior art to combine Krasij and Mizobi with Ozora, Kamiza, Uchida or Matsuzaki to achieve the embodiments of the present invention as claimed. One of ordinary skilled in the art would not discern the present invention at the time of its invention.

Therefore, the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

In addition, Examiner stated that “the references to be in line for applied could be Kawamura (5,684,110), Sato et al (5,985,480), Higuchi et al (6,051,097) and Wengrovius (6,057,405).” (emphasis added) It is not clear to which claim and for what reason these references could be applied. Examiner fails to designate as nearly as possible the particular part of references and no pertinence of the references is clearly explained according to 37 CFR 1.104 (c)(2). It is respectfully requested that a proper explanation be provided or these references be cancelled as irrelevant to the present invention as claimed.

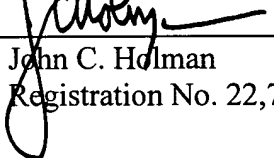
Regarding Examiner’s request for submission of English translation/equivalent of Ozora, Kamiza, Uchida and Matsuzaki, it is respectfully submitted that these references complies were previously submitted in compliance with the requirements for information disclosure statements. The concise explanation and English version of the abstracts were properly provided. According to MPEP § 609 C(2), “the examiner should not require that a translation be filed by applicant.”

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance.

Respectfully submitted,

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